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Patentamt**

Zweigstelle  
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**European  
Patent Office**

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The Hague  
Search  
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APEP009987

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

99925642.3

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire  
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## COMMUNICATION

The European Patent Office herewith transmits

- ☒ the <sup>supplementary partial</sup> European search report
- ☐ the declaration under Rule 45 EPC
- ☐ the partial European search report under Rule 45 EPC
- ☐ the supplementary European search report concerning the international application under Article 157(2) EPC relating to the above-mentioned European patent application. Copies of the documents cited in the search report are enclosed.

The following specifications given by the applicant have been approved by the Search Division :

- ☐ Abstract ☐ Title ☐ Figure
- ☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.
- ☐ The following figure will be published with the abstract, since the Search Division considers that it better characterises the invention than the one indicated by the applicant.
- Figure:
- ☐ Additional copy(copies) of the documents cited in the European search report.

## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



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EPO Form 1507 02.93




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**SUPPLEMENTARY  
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

which under Rule 45 of the European Patent Convention EP 99 92 5642  
shall be considered, for the purposes of subsequent  
proceedings, as the European search report

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
X	US 5 006 109 A (DOUGLAS DONALD D ET AL) 9 April 1991 (1991-04-09) * column 7, line 62 - column 16, line 9; figures *	1,55	A61M13/00 A61M37/00
X	DE 195 10 710 A (MUELLER BERND ; DEY UWE DIPL ING (DE)) 19 September 1996 (1996-09-19)  * column 5, line 1 - line 56; figures 1,2 *	1-7,9, 11, 24-30, 55,56, 62-71	
X,D	US 5 411 474 A (GRAY ROBERT I ET AL) 2 May 1995 (1995-05-02)  * column 5, line 58 - column 11, line 2; figures 1-3 *	1-11, 24-30, 32,55, 56,62-71	
			TECHNICAL FIELDS SEARCHED (Int.Cl.6)
			A61M
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
<b>INCOMPLETE SEARCH</b>			
The Search Division considers that the present application, or some or all of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for the following claims:			
Claims searched completely :			
Claims searched incompletely :			
Claims not searched :			
Reason for the limitation of the search: see sheet C			
Place of search The Hague		Date of completion of the search 22 April 2004	Examiner Zeinstra, H
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons  & : member of the same patent family, corresponding document	

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# PARTIAL EUROPEAN SEARCH REPORT

Application Number  
EP 99 92 5642

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
P,X	WO 98/26826 A (COOK WILLIAM A AUSTRALIA) 25 June 1998 (1998-06-25)  * page 4, line 27 - page 7, line 22; figures 1-5 * -----	1-11,24, 30,55, 56,62-70	
A	US 5 246 419 A (ABSTEN GREGORY T) 21 September 1993 (1993-09-21) * column 3, line 25 - column 5, line 50 * -----	1,55	
			TECHNICAL FIELDS SEARCHED (Int.Cl.6)

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### CLAIMS INCURRING FEES

The present European patent application comprised at the time of filing more than ten claims.

- ☐ Only part of the claims have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims and for those claims for which claims fees have been paid, namely claim(s):
- ☐ No claims fees have been paid within the prescribed time limit. The present European search report has been drawn up for the first ten claims.

### LACK OF UNITY OF INVENTION

The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

see sheet B

- ☐ All further search fees have been paid within the fixed time limit. The present European search report has been drawn up for all claims.
- ☐ As all searchable claims could be searched without effort justifying an additional fee, the Search Division did not invite payment of any additional fee.
- ☐ Only part of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the inventions in respect of which search fees have been paid, namely claims:
- ☒ None of the further search fees have been paid within the fixed time limit. The present European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims, namely claims:
- 1-11, 24-38, 55, 56, 62-71

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The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. claims: 1-11,24-38,55,56,62-71

Apparatus for treating gas comprising:

1.1. claims: 1,2-5,55,63,64

a humidification chamber which is a subchamber within the chamber

1.2. claims: 1,6,55,56

a humidification chamber which comprises at least one water retaining layer

1.3. claims: 1,7-11,55,62,65-69

a backup container

1.4. claims: 1,24

a housing which is proximate to the patient

1.5. claims: 1,25-29,55,70,71

a heating means

1.6. claims: 1,30

a filter means

1.7. claims: 1,31

an AC/DC converter

1.8. claims: 1,32

a battery  
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2. claims: 12-23,33-38,55,57-61

Apparatus for treating gas comprising a humidity sensor  
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Please note that all inventions mentioned under item 1, although not necessarily linked by a common inventive concept, could be searched without effort justifying an additional fee.

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**INCOMPLETE SEARCH  
SHEET C**

Application Number  
**EP 99 92 5642**

For the purpose of this search report, claim 46 has been considered as being dependent on claim 40 instead of claim 38 which is of a different category.

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Claim(s) not searched:  
39-54

Reason for the limitation of the search (non-patentable invention(s)):

Article 52 (4) EPC - Method for treatment of the human or animal body by therapy

Article 52 (4) EPC - Method for treatment of the human or animal body by surgery

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**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 99 92 5642

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.  
The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

22-04-2004

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5006109	A	09-04-1991	NONE	
DE 19510710	A	19-09-1996	DE 19510710 A1	19-09-1996
US 5411474	A	02-05-1995	CA 2218108 A1	17-10-1996
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			DE 69532685 D1	15-04-2004
			DE 69532685 T2	29-07-2004
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			AU 5233198 A	15-07-1998
			WO 9826826 A1	25-06-1998
			US 6010118 A	04-01-2000
US 5246419	A	21-09-1993	NONE	

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